

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 EDDIE BERNARD CLAY,

4 Plaintiff

Case No. 3:20-cv-00122-MMD-WGC

ORDER

5 v.

6 BISBEE, *et al.*,

7 Defendants
8

9 **I. DISCUSSION**

10 Plaintiff, who is an inmate in the custody of the Nevada Department of Corrections
11 (“NDOC”), has submitted a civil rights complaint under 42 U.S.C. § 1983. (ECF No. 1-1).
12 Plaintiff has neither paid the full filing fee for this matter nor filed an application to proceed
13 *in forma pauperis*.

14 Under 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, Plaintiff must complete an
15 application to proceed *in forma pauperis* on this Court’s approved form and attach both
16 an inmate account statement for the past six months and a properly executed financial
17 certificate. The Court will retain Plaintiff’s civil rights complaint (ECF No. 1-1), but will not
18 file it until the matter of the payment of the filing fee is resolved. Plaintiff will be granted
19 an opportunity to file an application to proceed *in forma pauperis*, or in the alternative,
20 pay the full filing fee for this action. If Plaintiff chooses to file an application to proceed *in*
21 *forma pauperis* he must file a fully complete application to proceed *in forma pauperis*,
22 including both an inmate account statement for the past six months and a properly
23 executed financial certificate.

24 **II. CONCLUSION**

25 For the foregoing reasons, IT IS ORDERED that the Clerk of the Court WILL SEND
26 Plaintiff the approved form application to proceed *in forma pauperis* by a prisoner, as well
27 as the document entitled information and instructions for filing an *in forma pauperis*
28 application.

1 IT IS FURTHER ORDERED that within **forty-five (45) days** from the date of this
2 order, Plaintiff must either: (1) file a fully complete application to proceed *in forma*
3 *pauperis*, on the correct form with complete financial attachments in compliance with 28
4 U.S.C. § 1915(a); or (2) pay the full \$400 fee for filing a civil action (which includes the
5 \$350 filing fee and the \$50 administrative fee).

6 IT IS FURTHER ORDERED that if Plaintiff does not timely comply with this order,
7 dismissal of this action may result.

8 IT IS FURTHER ORDERED that the Clerk of the Court will retain the complaint
9 (ECF No. 1-1) but will not file it at this time.

10 DATED: February 26, 2020

11 William G. Cobb
12 UNITED STATES MAGISTRATE JUDGE
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